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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,382	05/31/2005	Koji Sugiyama	121284	5076
25944	7590	05/22/2008	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			MCCLAIN, GERALD	
ART UNIT	PAPER NUMBER			
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05/22/2008	PAPER			

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/509,382	SUGIYAMA ET AL.
	<b>Examiner</b> GERALD W. MCCLAIN	<b>Art Unit</b> 3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 15 April 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-17 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-17 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 15 April 2008 has been entered.

***Claim Rejections - 35 USC § 112***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear to what the first and second sides belong.

***Claim Rejections - 35 USC § 103***

Claims 1-13 and 16-17, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 48-104334 ("JP48") in view

of Fujiwara (WO 200189957 A1) and further in view of Miller (US 2004/0089671 A1).

JP48 discloses:

Claims 1 and 16: printer (title; Note: since JP48 is a copier, there is inherently a printer portion.); package member (1); sheet package (1); flap member (3; Note: 3 is *capable of* covering the sheets when closed since (a) 3 covers a portion of the sheets as shown in figure 2, or (b) part 5 is *capable of* being placed over the sheets to completely cover the sheets up. Regarding the Claim 16 (and 17), see MPEP § 2115, "Material Or Article Worked Upon Does Not Limit Apparatus Claims");

Claim 2: flap member (3); portion of the package member (3);

Claim 3: package member (1); portion (3); prescribed part (5);

Claim 4: package member (1); tongue part (See figure 4 below, A); portion of the package member (3); pressing member (11); roller (13); printer (title);

Claim 5: package member (1); first cut (See figure 2 below, B); portion of the package member (3); (Note: 3 "can be engaged" with B since 5 is *capable of* moving up or attaching to 3 at B.)

Claim 6: package member (1); second cut (See figure 2 below, C); portion of the package member (3); (Note: 3 "can be engaged" with C since 5 is *capable of* moving up or attaching to 3 at C.)

Claim 7: second cut (C); tongue part (A);

Claim 8: package member (1); sheet packages (1); part of the package member (5); first cut (B); (Note: one configuration of a plurality of sheet packages is the following: two sheet packages facing each other with 5 cut off at B and C can be

connected together in an aligned state by having 5 halfway inserted into both sheet packages. Other configurations are possible.)

Claim 9: package member (1); wrapping part (See figure 2 below, D); part of an outside of the tongue part (See figure 2 below, G); tab (5); (Note: 5 can be used to remove 1 from the printer with adhesive or some other mechanism between 1 and 5.)

Claims 10 and 17: printer (title); package member (1); sheet package (1); base (1 on the 11 side); flap part (3); tongue part (See figure 4 below, A); first wrapping part (See figure 2 below, D); second wrapping part (opposed to D);

Claim 11: crease (See figure 4 below, H); flap part (3); base (1 on the 11 side); package member (1); flap part (3);

Claim 12: tongue part (A); base (1 on the 11 side); flap part (3).

JP48 does not directly show a first or second fastening member (Claim 13: cut) located on a first and second side, respectively.

Fujiwara shows a similar device having a first fastening member (paragraph [0064], "tape") for the purpose of protecting the sheets while sheets are being stored or fed right up until the sheets are set in a printer (paragraph [0014]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify JP48 as taught by Fujiwara and include Fujiwara's similar device having a first fastening member for the purpose of protecting the sheets while sheets are being stored or fed right up until the sheets are set in a printer.

Miller shows a similar device having a second fastening member (56) for the purpose of securely and releasably retaining the flap member or part (paragraph

[0035]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify JP48 as taught by Miller and include Miller's similar device having a second fastening member for the purpose of securely and releasably retaining the flap member or part.

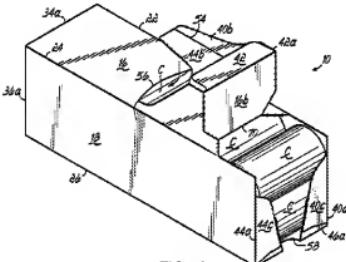


FIG. 4

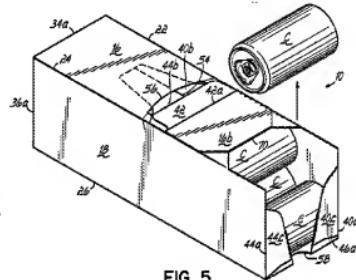


FIG. 5

Miller (US 2004/0089671 A1)

Claims 1-11 and 16-17, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Medoff (US 1,883,852) in view of Fujiwara and further in view of Miller. Medoff discloses:

Claims 1 and 16: package member (See Fig. 3, 1); sheet package (1); flap member (See Fig. 5, 7); (Note: the *intended use* of the *sheet package* is for setting it in a printer. The sheet package of Medoff is *capable of* being set in a printer. Regarding the Claim 16 (and 17), see MPEP § 2115, "Material Or Article Worked Upon Does Not Limit Apparatus Claims")

Claim 2: flap member (7); portion of the package member (7);

Claim 3: package member (1); portion (7); prescribed part (not shown; material surrounding 7);

Claim 4: package member (1); tongue part (See Fig. 3 (*not* Fig. 5), 7); portion of the package member (See Fig. 5, 7); (*Note:* the *intended use* of the *sheet package* is for setting it in a printer with a pressing member and roller. The sheet package of Medoff is *capable of* being set in a printer with a pressing member and roller.)

Claim 5: package member (1); first cut (8); portion of the package member (See Fig. 5, 7);

Claim 8: package member (1); sheet packages (1); part of the package member (See Fig. 5, 7); first cut (8); (*Note:* one configuration of a plurality of sheet packages is the following: two sheet packages (Fig. 1) facing each other *can be* connected together in an aligned state by having 7 (Fig. 3) inserted into 8 of the other sheet package. Other configurations are possible.)

Claim 9: package member (1); wrapping part (3); part of an outside of the tongue part (2); tab (See Fig. 5 below, J);

Claims 10 and 17: package member (See Fig. 3, 1); sheet package (1); base (5); flap part (See Fig. 5, 7); tongue part (See Fig. 3 (*not* Fig. 5), 7); first wrapping part (3); second wrapping part (3); (*Note:* the *intended use* of the *sheet package* is for setting it in a printer. The sheet package of Medoff is *capable of* being set in a printer.)

Claim 11: crease (See Fig. 5, 2); flap part (See Fig. 5, 7); base (5); package member (1); flap part (See Fig. 5, 7).

Medoff does not directly show a first or second fastening member (Claim 13: cut) located on a first and second side, respectively.

Fujiwara shows a similar device having a first fastening member (paragraph [0064], "tape") for the purpose of protecting the sheets while sheets are being stored or fed right up until the sheets are set in a printer (paragraph [0014]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Medoff as taught by Fujiwara and include Fujiwara's similar device having a first fastening member for the purpose of protecting the sheets while sheets are being stored or fed right up until the sheets are set in a printer.

Miller shows a similar device having a second fastening member (56) for the purpose of securely and releasably retaining the flap member or part (paragraph [0035]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify JP48 as taught by Miller and include Miller's similar device having a second fastening member for the purpose of securely and releasably retaining the flap member or part.

Claim 15, as understood by the Examiner, is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishiduka, et al. (US 6,217,019) ("Ishiduka") in view of Fujiwara and further in view of Miller. Ishiduka discloses:

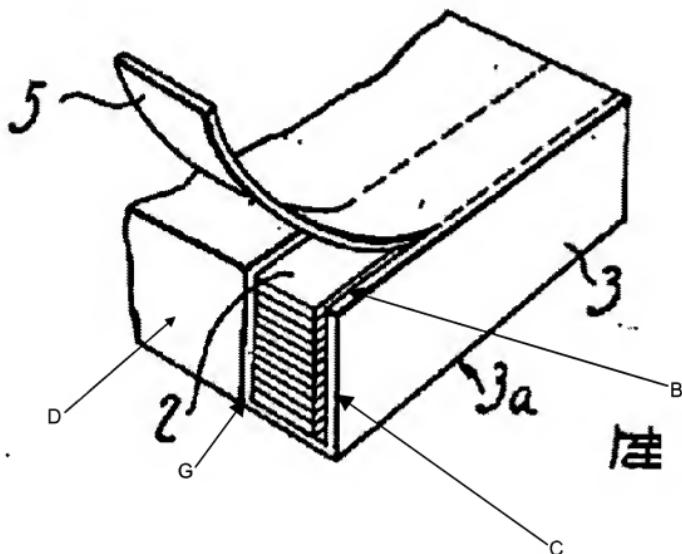
Claim 15: printer (column 1, line 7); package member (20); recloseable flap member (20d/20e); indicator part (29a); window of the printer (44; Note: 35 is part of the printer); joining part (20g).

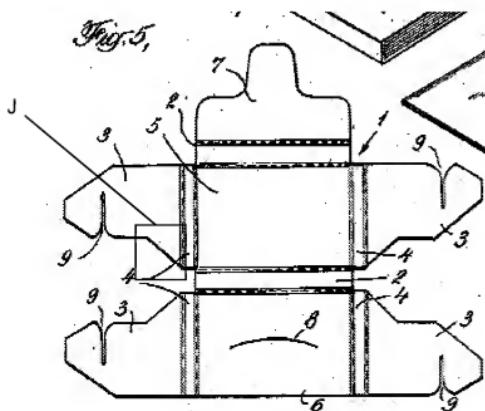
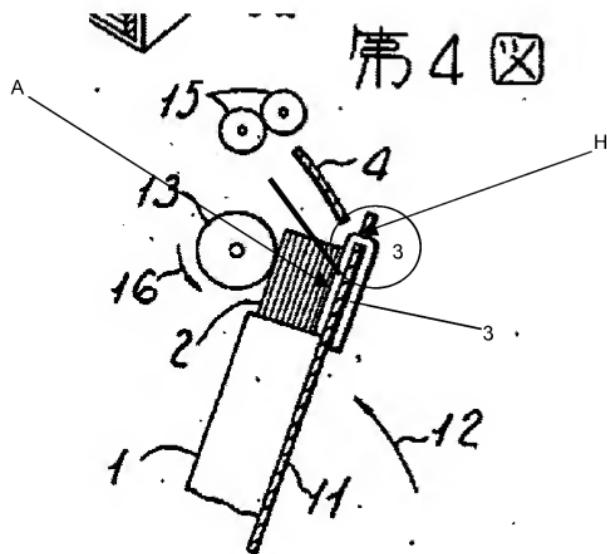
Ishiduka does not directly show a first or second fastening member located on a first and second side, respectively.

Fujiwara shows a similar device having a fastening member (paragraph [0064], "tape") for the purpose of protecting the sheets while sheets are being stored or fed right up until the sheets are set in a printer (paragraph [0014]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Ishiduka as taught by Fujiwara and include Fujiwara's similar device having a fastening member for the purpose of protecting the sheets while sheets are being stored or fed right up until the sheets are set in a printer.

Miller shows a similar device having a second fastening member (56) for the purpose of securely and releasably retaining the flap member or part (paragraph [0035]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify JP48 as taught by Miller and include Miller's similar device having a second fastening member for the purpose of securely and releasably retaining the flap member or part.

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Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP48 in view of Fujiwara and further in view of Miller and Medoff. JP48 discloses all the limitations of the claims as discussed above. JP48 does not directly show a tongue part (See figure 4 above, A of JP48) provided with a cut into which the flap part (3 of JP48; See figure 4 above for all parts of 3.) is inserted to be fixed in the closed state (See Claim 1. Note: the closed state does not require the *entire* exposed part of the sheets to be covered by the flap part).

Medoff shows a tongue part provided with a cut (8) into which the flap part is inserted to be fixed in the closed state for the purpose of being able to be refilled easily and quickly when emptied (page 1, column 1, lines 9-10). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify JP48 as taught by Medoff and include Medoff's similar device having a cut into which the flap part is inserted to be fixed in the closed state for the purpose of being able to be refilled easily and quickly when emptied.

#### ***Response to Arguments***

Applicant's arguments with respect to Claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERALD W. MCCLAIN whose telephone number is

(571)272-7803. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gerald W. McClain  
Examiner  
Art Unit 3653

/Patrick H. Mackey/  
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